

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Bret A. Ferree

Application No.: 10/526,993

Confirmation No.: 6979

Filed: March 7, 2005

Art Unit: 3738

For: SHOCK-ABSORBING JOINT AND SPINE
REPLACEMENTS

Examiner: C. D. Prone

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement dated August 25, 2008, Applicant elects the "species" 21 shown in Figure 42 with traverse on the grounds that the Examiner apparently made every figure or groups of figures a separate species with careful consideration of the specification. As one example, the Examiner made Figures 25-28 and Figures 29A-29B separate "species" when, in fact, Figure 29A shows the device of Figure 28 in a compressed condition. Some "species" contain minor modifications to other "species" – As one example of many, Figures 30A-30B simply add a hinged plate to Figures 27-29B, and so on. Clearly modifications of the kind do not represent a "search burden." Applicant additionally traverses on the grounds that claim 1 is generic. Claims 1-6, 8-14 and 17-23 are readable on the election.

Dated: September 25, 2008

Respectfully submitted,

By 

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